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Two Additional Letters

Gompers-Baker Correspondence

Issued
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Washington, D. C., January 3, 1923

Hon. Newton D. Baker, President,
Cleveland Chamber of Commerce,
Cleveland, Ohio.

Dear Mr. Baker:

I have been much interested in your letter of November 23, pursuing the question of the union and non-union shop. I am interested in the reasons which you set forth for your belief in the "open shop". I am not ready to agree, in the absence of proof, with your optimism in regard to the number of truly open shops in Cleveland. But that is rather beside the point.

I think that in all of your argument for the open shop, an argument which, it seems to me, is largely ethical, or perhaps I had better say, is largely an argument based on what appear to you to be ideals, you have overlooked the most important considerations of all; you have neglected entirely to take into account those things which I should expect you to first take into account.

The formation of unions is the expression on the part of workers of a feeling which seems to me to be close kindred of the feeling which possessed the men who first battled against the control of political institutions by a few and the exclusion from political expression of the many. If there is any truth at all in democracy, if democracy has any real justification, it is as thoroughly justified in our industrial life as it ever was in our political life.

I am sure it must occur to you that our relationships in industry are fully as important in our life today as our relationships in the realm of political affairs. Decisions which are made and conditions which are confronted in industry are of infinitely greater moment to thousands upon thousands of people than are all the political decisions and conditions in the country. Justification for democratic practices and the consideration of democratic rights in industry, it seems to me, is most emphatically equal to the justification for those same things in political life. If this is true, there can be absolutely no justification for employers to believe that they ought to be the sole judges of the manner in which those democratic rights are to be exercised, or even of what are those democratic rights. The moment the first principle is accepted the whole structure of employer superiority and domination has got to disappear. The problem must then be looked at as one in which the workers have a voice, not under somebody else's terms and under somebody else's restrictions, but on terms of equality.

Beyond doubt the principle which I have set up, if carried to its logical conclusion, would carry much beyond that for which workers contend at present. That surely cannot

be used as an argument against that for which workers now contend. It speaks rather for the moderation of American labor and its desire to function constructively, without doing anything to risk the structure in which I am sure we must all live for a considerable period yet to come.

I have no wish to say that every shop must be a union shop regardless of what may be the wishes of the workers themselves, but I do say that if it is the expressed wish of the workers to have a union and to have a union shop, that then there can be no denial of that wish without an exercise of power on the part of the employer, which of itself must be construed as a repudiation of democratic methods and of democracy itself.

You are no doubt aware that only a small proportion of the strikes of American workers are for the establishment of union shops, or for the recognition of the union. Labor has fought much more vigorously and with much greater tenacity of purpose for the establishment of proper working conditions, proper wages and reasonable hours of labor. American labor will, however, never cease to contend for the right to organize and for the right to carry organization to its logical conclusion, which means the union shop and a working relationship between the organizations of the workers and the employers. There is something so fundamentally American in this idea that I can never believe that those Americans who argue against it are so arguing out of anything except a mistaken understanding.

It is yet to be satisfactorily explained how there can be any expression in modern industry which will give voice to the viewpoint of the workers, unless there is organization and unless that organization is of a type formulated by the workers themselves without any obligation whatever to employers. The open shop, if it is truly open, means that union men and non-union men may work in that shop. If there is no trade agreement there is likely to be no machinery by which the workers can approach the employer with regularity through channels which the employer is bound to respect and will respect. Moreover, even if the union workers have established channels of connection through their union organization, the non-union workers are left as voiceless, floating units in the industry, without any adequate means of either expressing themselves or protecting themselves. They are much like the residents of the District of Columbia in our political life, who are voiceless because they are not possessed of the form of political government which finds expression in the union of the states..

If, in a shop which is open to the extent that there is no objection to the workers becoming members of unions, all workers in the shop elect to join unions, then it is clearly logical, unless we are to deny the principles of democracy,

that the workers so organized in a union have the right to function as such. This means they have the right to establish joint relations with the employer and to reach agreement with the employer upon terms and conditions under which they will give service. It is quite in keeping with the principles of democratic conduct that they should agree with the employer that in order to prevent destruction of standards through the introduction in the plant of a majority of non-union workers, none be employed except those who belong to the union, or those who within a reasonable length of time are willing to become members.

You express a belief in the open shop and it is my contention that if you believe in the open shop, meaning a shop in which union men are not forbidden to work, you must as a consequence grant the right of workers to organize and to establish a union shop. It is my conviction that you cannot be hostile to the union shop without also being hostile to the really open shop. I have no doubt, of course, as to the sincerity of your belief in the idea of the open shop, but I cannot refrain from saying that I think you do not follow your own beliefs to their logical conclusion. You do not think the problem through and you furnish merely a half way application of principles which you believe to be right.

So far as the open shop is concerned, it is of the greatest importance to remember that it is not a matter of what your conception, or my conception, may be in that respect. It is not a matter of what you think the open shop is, or of what I think it is. The important fact is that employers and employers' associations that have declared for the "open shop" have in practice under that declaration discriminated against the employment of union workers. Whatever the "open shop" may be in theory and whatever may be your opinion of it, the fact of what it has been and of what it is in practice is what counts, and it is by the practice that the workers are bound to form their opinions. The fact is that in the competitive industrial struggle, employers strive to impose upon workers such terms as they have the power to impose. Wherever possible they seek to drive with each worker the hardest possible bargain. On the other hand, the workers aspire to and strive to achieve better conditions of work and life, not only in the place of employment, but in the whole realm of sociological, political and spiritual existence.

In your letter to me you say: "The declaration of labor policy of the Chamber (of Commerce) sanctions representative negotiations—a form of collective bargaining." I find you saying further that the Chamber rejects "as prejudicial to the public interest, arbitrary power alike of employer over employe and employe over employer." Presumably this is the reason for sanctioning only "a form of collective bargaining". What you do not say, but what must appear as the

fact to anyone who carefully examines the question, is that this is the exercise of autocratic power on the part of the employers of Cleveland, expressing themselves through the Chamber of Commerce. They sanction "a form of collective bargaining" which is not collective bargaining, which retains to the employers the absolute control of wages and working conditions and which permits the workers to have no effective voice whatever in determining the terms and conditions under which they are to give service in the industries of Cleveland. It looks very much as if the Cleveland Chamber of Commerce had felt it necessary to consider something in the way of shadow to public opinion and that in considering the shadow it had been very careful not to consider any of the substance.

You are apparently convinced that unions mean industrial strife. You are, of course, not alone in holding that belief. Here again you are, I am afraid, thinking half way through and leaving many things out of account. You speak of the "war theory" and you appear to hold that it is the theory upon which labor operates. You want something to "believe and preach as better than war". In response to that desire I offer you the trade union movement, not as you believe it to be, but as it is with all of its progressive, constructive possibilities and desires.

I might easily enough turn your argument against the organization of employers and say that I am opposed to them because I am opposed to the "war theory" and because such organizations are mainly responsible for industrial strife. I am not going to make any such argument, because I am not going to accuse even the most reactionary organization of employers of evil without full acknowledgment of the good things achieved by organizations of employers and of the immense possibilities for future contributions to human welfare by such organizations. Without organization civilization as we have it today would be an impossibility. The trade union offers to employers the opportunity for cooperative relationships through which there may be developed the greatest possible degree of service and through which there may be brought into being the greatest possible degree of justice to all.

You seem greatly disturbed because I do not agree with your point of view in regard to what you term a public interest in labor controversies. I will not say that it is yours, but it is a rather general assumption that this public interest, so-called, would somehow operate to prevent strikes, or at least to compel workers to return to work when they have struck. There is, of course a widespread interest in the results of relations between workers and employers and this depends always upon the nature of the commodity produced. There is a much wider interest, for example, in a coal strike than

there would be in a strike against a local plant making heavy machinery. This by no means indicates any public right to step into a controversy with a command that workers shape their conduct to suit orders which may be issued either by a governmental tribunal, or any other form of expression of outside force.

American labor has no desire to disregard public welfare, but, on the contrary, has every regard to promote and serve the public welfare. American labor, however, will never admit a public right to enforce involuntary servitude, because that principle is wrong and because if it is ever admitted to even the smallest degree, it will by the same token be admitted in its fullest implications. It should not be necessary to have to say to you that the minute America begins to travel that road, America begins to undo every democratic principle for which the Republic has stood and upon which it was founded.

I do not wish you to feel that labor is uninterested in the public welfare, or that it has a desire to disregard intelligent public opinion. The stress which you lay upon the interest of the public is justified and is thoroughly shared, not only by myself, but by the labor movement. The public welfare and a decent regard for the public interest and for the expressions of public opinion must have great influence in shaping the direction of any movement. The Standard Dictionary defines the public as the people collectively, or in general as a body locally, or in the state or in the nation. I am bound to ask you where you can find in the action of the "public" any effective determination to take the gyves from the wrists of the toilers, to take women out of the mill and men, women and children out of the sweatshops, or to shorten the hours of toil of the burden bearers, where that action did not have its initiative and inspiration in the protests and struggles and sacrifices of the labor movement itself. Sometimes, it is true, the "public" is for a brief period inconvenienced by rupture of the relations between employers and workers, but we customarily find that before that rupture "the public" had given no thought and taken no action of constructive beneficent character to remedy the wrongs imposed upon men and women of toil. The strike of the miners in the anthracite coal regions did more to take the breaker boys out of the mines than anything else; the strike of the miners of this year did more to halt the "open shop" drive and the drive for wage reductions than all those who compose "the public," but who so frequently fail to take account of the facts of life.

Your abhorrence of industrial war is shared not only by those whose positions are similar to your own, but by the workers themselves. I think the workers understand much better than anyone else the cost of industrial war. They pay the full price. They experience what you observe. Does it not occur to you that there must be something of importance

to induce them to undergo experiences which you abhor merely as an observer? Labor will cease to engage in contests with employers as soon as labor finds it possible to induce employers to conduct the affairs of industry on a higher plane. Labor is ever eager to substitute negotiation for contest.

In 1776 the American colonies engaged in a war with England. They did not expect to remain forever at war with England, but they were determined to remain at war until a certain definite object had been gained and until certain principles had been established beyond question. That having been done the war ceased. Since 1812 we have had no war with England and we do not expect to have any. This is not because we believe less firmly than did our forefathers in 1776 in the principles that were then at stake, but it is because England does not question those principles as she then did. In that war it is quite likely that a great many neutral nations were inconvenienced, but some of them were able to see the principles involved and some of them were able to find ways to render effective support in the struggle to establish those principles.

I am deeply touched by your eloquent portrayal of the horrors and wastage of war. Having been a most pronounced and active pacifist until the breaking out of the world war I feel all that you feel and all that you abhor in the wars of peoples and nations; and yet feeling as you do, were you not among the foremost in waging war upon those who would take the life and soul out of free democratic institutions and who would if triumphant in their unholy cause have turned civilization backward? That war transformed me from an ultra-pacifist to one willing to fight and sacrifice with my fellow countrymen in defense of the principle of living our own lives and working out our own destiny: and if there be a madman nation still, large or small, which will attempt to repeat that monumental crime I hope that the generations, perhaps yet unborn, of our self-governing civilized nations, may throw themselves with equal vigor in the battle to maintain the fundamental principles of freedom, justice and humanity.

Before the United States entered the world war I said to a gathering of members of my family that if any one of my sons or their sons failed to respond to the needs of our Republic that I would disown him as not of my blood, but they kept the faith and they and I have met the obligation both in blood and treasure.

It is a vivid picture which you have drawn and I join you in the feeling of horror against war, but I ask you whether the world even now is safe from the struggles which have been going on and which are likely to go on, particularly in the nations, some large and more small, which are scheming, planning and preparing to emerge as conquerors of the world.

During the Washington Limitation of Armament Conference when we were all approaching a plan for the destruction of dreadnaughts and other major warships, a friend of mine facetiously said: "I have seen as interesting and bloody pugilistic contests with bantom weights as with heavy weight fighting men."

Who knows now which form the international conquest will take in the future? One day, some day, when the world of men shall have reached a higher state of civilization and humanity, there may be comity and peace, when the causes of war shall have been removed, and no one more than you, and may I say I, fervently hope and work—dedicate myself to service to that end, but in the meantime I believe with the declaration of the American Federation of Labor—we favor universal disarmament by general agreement.

The analogy which you make between international wars and the relations of employers with employes, in my judgment is misapplied.

From slavery to serfdom, peonage, to the modern worker in the struggle of thousands of years, the historically developed labor movement of modern times has for its purpose not only the improvement of wages, hours and conditions of employment, but the attainment and maintenance of all the industrial, political and social rights to which the toiling masses of our Republic are entitled, when democracy in industry shall supplant autocracy in industry, and employers, entre preneurs and the workers, giving intelligent and effective industrial service, shall stand as industrial equals.

The much misunderstood labor movement has done much to foster education and uproot ignorance; to shorten hours of toil and lengthen life; raise wages and increase independence and decrease dependence; develop manhood and balk tyranny; establish fraternity and discourage selfishness; reduce prejudice and induce liberality; enlarge society and eliminate classes, create rights and abolish wrongs; lighten toil and brighten man; cheer the home and fireside and make the world better. Can you imagine any service in the accomplishment of these high ideals to which non-union workers and the "open shop" have contributed or are likely to contribute anything?

I do not like war and I do not like strikes, but I am unwilling to oppose all wars and for the same reason I am unwilling to say that strikes are wrong. Both are right and necessary and should be used when the cause of justice can be retained in no other way. This is not an expression of disregard for the interests of the great masses of our people. It is, on the contrary, an expression of the highest regard for them. If you are inclined to question this, I ask you to consider what would be the status of the masses of our people one year hence if today all unions were to be wiped out of

existence and resistence to injustice in industry was rendered impossible. The public interest should be, and in the long run I think is, primarily in justice. I am unwilling to believe that the public, if it is informed, is willing to inflict injustice even at the price of temporary inconvenience.

You speak in the closing paragraphs of your letter of having too few years left to hope to see any progress made "by merely continuing and intensifying the old class struggle" and you propose to use your influence to "emphasize the public interest" and in the "creation of another atmosphere and another spirit." I do not think American labor is engaged in a class struggle and I do not think American labor believes it is engaged in a class struggle, because in our country we have no such thing and I hope never will have. We are engaged in a struggle for common justice and for principles which are applicable to all alike. American labor wants no "working class domination", but it does want a development of the social order in which unrestrained exploitation of the workers by great financial powers and by great combinations of employers will be impossible. It is continually seeking to create in the industrial world "another atmosphere and another spirit" which shall be one of helpful cooperation, mutual understanding and democratic expression on the part of all factors in industry. If this is not service in the public interest, then I entirely mistake what is public interest and what constitutes constructive progress.

You are right in stating that perhaps capital is but "the stored up products of labor available for further production," but you are again in error when you make the analogy of making a vessel for use. Neither capital nor labor, that is the workers, are static. When the toilers receive a larger share of the product of that toil it not only materially and morally improves their own conditions but has a like effect upon all the masses of workers. One improvement in the conditions of wage workers is but a forerunner for the improvements of all others and then again it must not be left out of calculation that with every material improvement in the conditions of the masses of the workers there is let loose upon the world greater improvements and inventions in machinery, power, tools, making production of wealth upon a greater scale.

I cannot fail to take account of your statement that "The typical worker has the pride of a craftsman in the product of his hands". This is an excellent statement of a truth and I regret very much that you should have surrounded it with so many statements that are entirely out of harmony with that expression. May I first ask you, in modern industry when each individual worker performs one infinitesimal part of the whole thousands and thousands of times each day, what joy, or "pride of the craftsman" can he have "in the product of his hands?"

You continue to say that if thoughtful persons "keep on saying to employers and employes that the best labor relation to be adopted by them to accomplish these respective fundamental desires is one of incessant conflict, they are likely to take our word for it and spend a large part of their strength and time getting ready for battle and fighting battles". Underlying this there is, of course, the assumption that trade unions and the union shop imply a condition of strife and battle. I regard this, and experience proves it, a wholly wrong assumption because on the contrary trade unions are organizations of peace and functioning in joint relation with employers are tremendous agencies for industrial harmony, for human well-being, and also for increased production.

Workers do, as you say, want "to make money under as favorable conditions of employment as to hours, continuity, sanitary conditions and comfort as possible. Because of this it is impossible for them to want strife. What they most want is peace, but what they insist on is peace with as much justice and fair dealing as can be secured. There is no greater punishment that can be visited upon workers than lack of continuity in industry and the continuity is broken by the action of workers only where the provocation is beyond all bearing. When continuity of operation is broken under such circumstances, it surely cannot be said that labor is eager for battle for the sake of battle. It must be said in fairness that labor is willing to sacrifice for the sake of justice.

If I may return for a moment to your war analogy, having in mind your statement of a growing opinion to the effect that "there is no such thing as a successful war", I might say that there is no such thing as an unsuccessful protest against injustice. Every protest against injustice is in some measure a success. If that were not the case, the toilers would long since have become discouraged and the struggle to achieve justice would not have the vigor and the spirit it has today and it would not have to its credit the victories of which we are all so proud.

I ask you to give careful consideration to this letter and to see whether I have not conveyed to you some additional understanding of our principles, our policies and our hopes. I appreciate very much your whole attitude in this discussion and I trust that you will have the kindness to write me again.

Very truly yours,

SAMUEL GOMPERS,
President
American Federation of Labor.

January 24th, 1923

Hon. Samuel Gompers,
President, American Federation of Labor,
Washington, D. C.

My dear Mr. Gompers:

In a long and earnest correspondence it is difficult to keep one's attention fixed upon a single issue. Arguments and illustrations tend to raise controversies of their own and to substitute themselves for the main contention. For this reason, in answering your valued letter of January 3rd, I must start out by repeating that what I am seeking is:

First, a philosophy which recognizes the public interest in industrial controversies as paramount, as I believe it to be. This philosophy I seek not out of any academic desire to be ethically or logically right, though it seems to me impossible to be ethically wrong and at the same time right in any other way, but because previous approaches to the problem, from other points of view, seem wholly unpromising of success, if they have not already failed. This lack of success should not be permitted to discourage an effort to solve the problem, for it must be solved; but it should stimulate a re-examination of the grounds of our action. If we have failed because we have left out the paramount interest, we can succeed if we add it as a controlling consideration.

Second, a technique which will always and everywhere assure that public interest as complete protection as is possible in a situation essentially complex and in the solution of which economic laws and human impulses and desires will often be found at variance.

We have not set ourselves to debate either the legal or moral right of workers to form unions. In view of the decisions of the Supreme Court of the United States, there can happily be no controversy about the legal right, and no thoughtful person would doubt either the moral right or the benefit of such action. One of my earlier letters makes this clear by saying, "I have always been a trade unionist and if I were a worker I would be a member of a trade union".

I share the belief expressed in your letter of January 3rd that "our relationships in industry are fully as important in our life today as our relationships in the realm of political affairs". Indeed, I find it impossible to divide our modern life up into watertight compartments, with politics in one and industry in another. Modern man is an economic animal, and modern society is an economic organism. Our industrial progress has vastly outstripped our institutional progress. The fathers of our government gave us a representative democracy but they applied it only to our political institutions, strictly so-called, because in those days the maintenance of the public peace and the solidarity of international action

covered the field of community interest, leaving the individual an independent economic unit, free to order his life of getting and spending in accordance with simple and ancient customs. Now, however, through the development of industry into mass production, both employer and employee have lost their identity as individuals, and each has lost his economic independence. On the one side we have capital, impersonally supplied and aggregated into masses of enormous power, but so sensitive and delicate that it is subject to shocks and destruction from a thousand new causes, some of which, like the progress of invention, fluctuations in international exchange, and wars, revolutions and famines in remote parts of the world, are wholly beyond the control or even the forecast of those engaged in industrial enterprises. On the other hand, we have no longer "the worker" as an individual, self-reliant producer, but we have "the workers", composed of men trained to specialized operations in an infinite variety of arts, all of which must be cooperatively performed to be fruitful. This mass of workers has come to have common interests and to be subject to common perils, which, like those affecting capital, are often international in their origin and incorrigible by any sort of personal forethought on the part of the worker or even by common action on the part of the workers as a mass. Over these two groups and including them both stands the great public, which has specialized itself into all sorts of activities to carry on the business, preserve the health, promote the education and recreation, and minister to the higher aesthetic and artistic needs of a modern society. This great public depends upon continuity of production in industry for its own existence, and it therefore has a vital interest in the establishment of conditions which will induce investment on the one hand and economical production on the other. There will be no adequate investment unless the return is fair and bears some just relation to the risk. There will be no economical production unless the conditions of labor are just and wholesome and every safeguard is interposed to prevent involuntary unemployment, insanitary conditions and any basis for a feeling that the worker is being exploited. I have, in one of my other letters, referred to certain higher common interests which the public has in labor relations. They are not interests of non-workers in workers, but interests which every member of the public has in the well-being of every other member of the public. Lawyer, doctor, banker, plumber and carpenter all have exactly the same interest in just and wholesome conditions for needle-workers and in just and wholesome conditions for needlework employers. In other words, while each of us has the special interest of his group, we all have an equal interest in the common concerns of the society of which all are a part, and these common interests are paramount because they affect us all and underlie the well-being of each and every group.

Thus it must be clear that the public interest is really public in the sense that everybody, including investors in industrial enterprises and workers, are partners in it. These interests can not be left to the casual protection which will result from the contests and compromises of two minor groups of the public fighting about their separate and special interests.

In your contribution to the Journal of the 29th Convention of the Pressman you say: "The labor movement today is a large body of fighters surrounded by enemies." But the "fighters" and the "enemies" are both members of the public, are both consumers and have more interests in common than they have special differences. Moreover, the parties to the special differences are constantly regrouping. Carpenters are "fighters" in their controversies with employers but they are outsiders when the machinists or metal workers are engaged in their skirmish. No group conducts its battle with reference to the effect of victory on the other groups, but each gets all it can without recognizing that in all the battles but its own, its interest, that is the public interest, is unrepresented and disregarded.

In your letter of January 3rd you appeal to the analogy of our political democracy, and I think that there is an application to be made of this principle in industry, but we must not be ensnared by terms. James Russell Lowell quotes Theodore Parker as saying that democracy is the spirit which says to every other man, "You are as good as I am"—not, "I am as good as you are". This, it will be observed, must be said to *every* other man, and I venture to believe that a labor movement, however excellent it may be, cannot yet be called a democracy when it is admittedly a federation organized for and "fighting" for the peculiar rights and desires of its own members against everybody who does not agree with its view as to its rights and desires, and excluding from a voice in its determinations the vast public which is vitally affected by them. In your letter you object to the domination of the employer. So do I. I likewise object to the domination of the employe. For the same reason, it seems to me, the public should not be dominated either by employers or employes, as one or the other may prevail in their contests, or as they may agree or combine, in their own interests, in disregard of the public interest.

The democratization of industry is a persuasive suggestion and much that is wise and promising has been said about it. On the other hand, some things which have been done in that name have been very hurtful, if we may really credit the reported results.

The attempt, in Russia, to turn industry over to the workers without retaining the engineering and business skill which built the enterprises and conducted them under the old regime seems to have failed to maintain production or to

find, in the proletarian state, any adequate substitute for the management and business talents which capitalism had learned to train and provide. Admittedly, Russian experiments have been tried under adverse conditions and too much prepossession has colored the reports of results to make them a trustworthy premise in an argument addressed to our conditions. Yet it must be clear that under modern conditions the skill which integrates production from mine or field to finished product, engineers the application of inventions to an established art, finds markets throughout the world, organizes finance and credit so that it will carry and promote industry, is an entirely different skill from that employed by workers in actual industrial operations and requires both special qualities and special education, which the workers have not time or opportunity to acquire, beyond a limited point. There is simply too much to be learned for any one to learn all and the same specialization which subdivides the handicrafts into limited jurisdictions, in an even greater degree separates management and business administration from the aggregated handicrafts. No one can see far in such matters but it does not seem likely that we could apply the democratic principle of majority determination to such a case. Meanwhile the ownership of industry is rapidly becoming democratized through stock ownership. There are great industrial fortunes and personal and group controls of industries, but workers are becoming stockholders and *pro tanto* employers and owners of the instruments of production while managerial, engineering and business talent is daily being developed in the ranks of the workers and transferred to the other end of industrial production. The problem is too complex and changing to brook dogmatism, but this is certain that progress in the democratization of industry must come as a result of cooperative experiment and not by a coercive imposition in obedience to some abstract theory. With good will we may experiment and retain all that demonstrates its economic soundness. With bad will we merely intensify conflicts or impose alternating extremes which must both fail for want of cooperation. Thus the "war theory" seems again an obstacle to progress, as we know it to be a wasteful limitation upon the industrial system we already have.

The right of employe combination for which you contend is apparently a right which is to know no limitation except the will of the workers themselves, and by this means you seek to establish an agency which the employer "is bound to respect". I venture to suggest, in passing, that the equality which you argue for cannot exist where one of the parties is *bound* to respect the determinations of the other. And further, may I point out that we do not allow to any other form of combination as unrestricted rights as you contend for. The Sherman and Clayton Laws, interpreted and enforced by a long line of judicial decisions, limit the right of the owners

of capital to combine and subject all such combinations to penalties when they are formed in violation of the public interest. You speak throughout your letter of our industrial situation as "a competitive industrial struggle", but the whole theory of the closed union shop is to remove the most essential element in modern industry from the competitive field by giving it the power to determine for itself its own interests and desires and to impose them both upon employers and upon the public without any consideration of any other interest than its own. Now the fact is, whether we like it or not, that nobody nowaday is born economically free and independent or ever achieves economic freedom or independence. When we come into modern society we acquire immense benefits, with correlative obligations. No doubt a man could acquire an acre or two of ground in a semi-tropical country and there lead a life of isolation and relative economic independence. But if he lives in and takes part in a modern industrial society he cannot live without the benefits accruing from the labors of others, nor can he morally withhold his own labor as a contribution to the common good. Neither employers nor employes can morally hide their talents, whether they be one or ten, in a napkin. Both must devote all they have to the common enterprise. For this reason I have never been much exercised about the fear frequently expressed that the intervention of the public into the field of labor relations threatens some sort of involuntary servitude. Of course there is not the slightest likelihood of any such thing happening for a variety of reasons. Involuntary servitude would not be profitable. America learned that many years ago. Moreover, the public will be just, and it is no answer to this assumption to say that some individual may not agree with the public idea of justice. That situation we have faced from the beginning of organized society and the answer to it is that the democratic theory requires us to acquiesce in the decision of the majority even when we do not concur in its wisdom. But it leaves us free, by argument and agitation, to seek a reversal of the popular judgment by instructing the popular mind and conscience. That is the only right left to us about a great variety of interests and obligations, some of them of the most sacred and important character, and many of them quite as sacred and important as the right of a number of persons in a craft to combine to enforce their idea of their interest upon others who are affected by the arrangement made.

You ask me where I can find in the action of the public "any effective determination to take the gyves from the wrists of the toilers, to take women out of the mill, and men, women and children out of the sweatshops, or to shorten the hours of toil of the burden bearers, where that action did not have its initiative and inspiration in the protests and struggles and sacrifices of the labor movement itself". I answer by pointing

to the statute books of every state of the United States, in which there will be found laws enacted by public representatives, not representatives of workers only, sanctioned by informed and conscientious public approval, and constituting practically the entire body of industrial progress which we have made in America. It may well be that the initiation of these movements came from the workers. It would be natural for them so to originate, for the workers know by experience conditions which need safeguarding and redress. But the workers accomplished these objects not by coercive combination which impose *their* unregulated will upon others, but by taking the public into their confidence, giving them the benefit of their experience, educating them as to the wisdom of the measures, and so winning their enactment and enforcement. To the extent that this argument may seem to indicate a desire for a legislative control of labor relations I can only say that while I think great ethical gains have been and are to be achieved by legislation, I by no means regard that as the principal point in the argument I desire to make. If a cooperative spirit could replace the present controversial spirit between employer and employe, neither side would seek or dread laws, since, the public being informed and recognized, there would be no disposition on anybody's part to enact laws except as they express a stabilized opinion upon some particular subject. The important thing, therefore, is to arrive at a basis upon which we can all work together to secure an enlightened and stabilized public opinion.

Not long ago there appeared an earnest and eloquent editorial in The New Republic in which the suggestion was made that the first step toward a rational reorganization of our industrial relations lay in a recognition of the unions by employers and an abandonment of the effort to control labor relations through legislatures and courts. The suggestion would be wholly sound if the labor movement professed as its objective the public interest and was willing to subject itself to complete control in the interest of the public; but when the labor movement says that its objective is the closed union shop, with the right of the workers to determine for themselves their own interests and desires, and to suspend the entire industrial life of the country to enforce these desires, without any regulating and controlling reference of the whole question to the public for determining, it must be clear that a recognition of that form of the labor movement is merely an abandonment of the Constitution of the United States and the agencies set up by it as the guardians of our liberty, and the surrender of all public interests to the discretionary protection of a group professedly organized for the primary purpose of pursuing its own special interest first.

I am not unaware that when two men are fighting and both have reached the conclusion that the fight is useless, each

is afraid to stop for fear that the other will keep on. This practical dilemma faces the leaders of the labor movement. Labor has frequently had to claim twice as much as was just to secure half as much as it was entitled to. But that too, I believe, was in large part due to the failure of the workers to make common cause with the public, of whom they are a part. In any case, the public interest is now being aroused about industrial relations, and the public is becoming anxious about the extreme claims on both sides. It wants to find the justice of the business, and it will succeed against the will of employers and employes if it must. It will succeed more quickly and more helpfully if it can have the cooperation of both.

I cannot, however, content myself with academic observations on this subject. Both experience and observation enable me to point to some happy instances in which real progress has been made in the manner I have indicated.

When I first became Secretary of War I visited the Rock Island Arsenal for several days. All of the time I was there was taken up receiving delegations and individuals who came to press upon me grievances of the workers against the management. Later there was established at Rock Island Arsenal, with the approval and cooperation of both management and workers, a shop organization which recognized the right of the worker to participate in the industrial discipline of the institution and created recognized agencies for the working out of this right. After that system had been in operation for nearly a year I again visited Rock Island Arsenal, and in two days I not only received no complaint or grievance, but sought diligently but without success to unearth one. Contentment and cooperation had replaced suspicion and controversy. I do not urge that the Rock Island Arsenal plan is the only plan, nor that it would apply without modification under other circumstances, but I do contend for it that it demonstrated the possibility of working out wholesome, just and satisfactory industrial relations when three elements cooperated in the effort, namely, the public, in this case represented by the Secretary of War, the employers, represented by the management of the arsenal, and the employes, represented by themselves.

In like manner I have had intimate opportunity to observe and some participation in the making of contracts in the ladies' garment making industry in Cleveland, where the question of union or non-union did not arise and was not permitted to become a subject of controversy; but where the employers voluntarily surrendered the right to lockout, the employes voluntarily surrendered the right to strike, and both employers and employes, recognizing the dependance of the public upon their industry and the dependence of their industry upon the public, instituted voluntarily a tribunal made up of disinterested representatives of the public in-

terest as a court of last resort in their controversies. This plan has been in operation for some years. Under it no employer has been required to surrender any interest which imperiled his investment or disabled him as a competitor in a world field. No employe has been reduced to involuntary servitude. On the contrary, an industry peculiarly subject to tempestuous disturbances, causing interruption and waste, has been stabilized, the employers have been given a degree of confidence wholly unattainable when they were merely successful warriors against their employes, the employes have been freed from profoundly oppressive conditions, the sweatshop has disappeared, periodical and chronic unemployment removed, and the public interest has been protected by freedom from violence and destructive disturbances, better sanitary conditions in an important industry, and a product from the cost of which the large item of war expense has been removed.

I come back, therefore, to the beliefs expressed earlier in this letter, that progress in our industrial relations lies not in the making of extreme claims and a military organization for their enforcement, nor does it lie in the momentary triumph of either side in a particular industrial controversy, nor does it lie in laws passed or decisions made in supposed response to the political power of either combined capital or combined workers. But it does lie in a labor movement which has at the base of its philosophy a recognition of the common interests of an industrial society and is willing cooperatively to experiment, to work out industrial relations which, as they demonstrate their soundness, become permanent advances, and as they demonstrate unsoundness, can be abandoned in favor of other and more helpful cooperations.

You will, I am sure, realize that I do not regard the open shop, or any form of closed shop, as an object in itself. They are all means to an end. Either form of closed shop means to me merely booty carried away from the enemy's camp. The open shop is the free field for cooperation, experiment and progress. Back of all this lies the fact that in an industrial society, under modern conditions, the public interest is not an abstraction, but a reality, and such a reality as must be recognized and safeguarded if our industrial progress is to be real and permanent.

Our correspondence is happily a discussion. I shall always feel a high degree of satisfaction in the fact that we have been able thus frankly and generously to open our minds to one another. Whether or not we have either of us modified our view in the course of these letters, I am still deeply hopeful that as we both think and work toward a common end, we will find opportunities to work together as we did so happily and I believe so effectively in the past. With assurances of cordial and high regard, believe me,

Sincerely yours,

NEWTON D. BAKER,

President.

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